

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 22, 2004
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook and Vivian Rojas. Late Arrivals: Daniel S. Power arrived at 9:19 a.m.; Paul J. Escobar arrived at 11:26 a.m.; and Anthony W. Cobos arrived at 10:46 a.m. Absent: None. Meeting was called to order at 9:09 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken on the following item: Concern on continued corruption within EPPD, IA, DA office and lack of effort from Civil Service Commission to address matters. [Jesus Luna]

Mr. Jesus Luna, citizen, thanked Representatives Cushing, Lozano, Rojas, and Cook for meeting with him and made comments regarding Civil Service Commission member, Mr. William Ellis. He stated for the record that there is no action, provided background information and showed documents to the Council pertaining to a year 2002 incident.

Mayor Joe Wardy stated that the Council had no jurisdiction over the Civil Service Commission or over the judicial system.

Representative Lozano expressed that the City Council meeting was not the proper venue to discuss this matter.

Representative Rojas questioned what venue individuals would utilize to resolve their issues/concerns.

Mayor Wardy stated that all citizens could rightfully speak before the Council; however, he reiterated that the Council does not have the ability to take action on criminal matters. He reaffirmed that El Paso was the second safest city, of our size, in the United States.

Representative Cook clarified that Council Members do have the ability to conduct investigations, as per the City Charter; however, Council is excluded from conducting criminal investigations.

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Mr. Raul Garcia, citizen, stated that the Delta Recreation Center was in need of two automatic door openers at the entrance and added he had requested funding from the Community and Human Development Department; however, his request was denied. He requested that Representative Cobos fund the two automatic door openers at the Recreation Center's entrance doors and that further discussion on the matter take place upon the arrival of Representative Cobos.

Representatives Escobar and Cobos were not present for the vote.

Mr. Garcia reiterated comments made previously in the meeting.

Representative Lozano offered the use of his district's discretionary funds to assist in the funding of the automatic door openers.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to delete the discussion and action for reconsideration of the rejection of geotechnical and materials testing services contract. [Professional Service Industries, Inc., Danny R. Anderson]

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 9:30 a.m.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 9:39 a.m.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the Minutes for the Regular City Council Meetings of April 1, 2003 and June 15, 2004 and Special City Council Meetings of June 9, and June 16, 2004.

Representatives Austin, Escobar and Cobos were not present for the vote.

* Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone one (1) week the approval of the Minutes for the Regular City Council Meetings of June 2, and June 8, 2004.

Representatives Austin, Escobar and Cobos were not present for the vote.

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1st Motion:

Motion made, seconded and unanimously carried to excuse Representative Paul J. Escobar from the June 22, 2004 Regular City Council Meeting. This motion was approved with the revised consent agenda.

Representative Escobar arrived the meeting at 11:26 a.m.

2nd Motion:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to reconsider the request to excuse Representative Paul J. Escobar from the June 22, 2004 Regular City Council Meeting.

3rd Motion:

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to delete the request to excuse Representative Paul J. Escobar from the June 22, 2004 Regular City Council Meeting.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Sponsorship Agreement between the City of El Paso and Entravision Communications, to provide for promotional support for the Arts and Culture Department's Music Under the Stars World Festival and the Alfresco Fridays Downtown Concerts in exchange for the identification of Entravision Communications as a media sponsor.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and MARTIN BELTRAN for the purchase of Lot 2 (Replat 26 & 27), Block 7, Stiles Garden, El Paso, El Paso County, Texas, also known as 331 Dodge Road, to be used as additional right-of-way related to the Hawkins Extension Project.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and GUILLERMO & EUGENIA GRADO for the purchase of Lot 3 (Replat 26 & 27), Block 7, Stiles Garden, El Paso, El Paso County, Texas, also known as 327 Dodge Road to be used as additional right-of-way related to the Hawkins Extension Project.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and JOSE M. RAMOS for the purchase of Lot 7 (Replat 26 & 27), Block 7, Stiles Garden, El Paso, El Paso County, Texas, also known as 311 Dodge Road to be used as additional right-of-way related to Hawkins Extension Project.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City of El Paso, a Second Amendment to an Interlocal Agreement between the INSTITUTE FOR POLICY AND ECONOMIC DEVELOPMENT (IPED), which is part of the University of Texas at El Paso, and the CITY OF EL PASO to extend the term of the First Amendment to Interlocal Agreement dated April 27, 2004 from July 1, 2004 to August 1, 2004, and to revise the Scope of Services as described in the amended Agreement.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign on behalf of the City, a Contract of Sale between the CITY OF EL PASO and JAIME HITA; MARGARITA HITA; JAIME HITA, JR.; and ERIK HITA, for the purchase of Parcel - 6 - 3,014 square feet, more or less, being a portion of Lot 14, Block 2, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, to be used for the Edgemere Extension Project.

NOTE: Resolution was revised from "Eric" to "Erik".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file Grant Applications to the Corporation for National Service for the Foster Grandparent Program in the amount of \$3,211 and for the Retired and Senior Volunteer Program in the amount of \$27,972 for the period of September 1, 2004 to August 31, 2005; and

That Nathalie Prise, Interim Director, Community and Human Development, be authorized to furnish additional information as the Corporation for National Service may require in connection with the applications or the Programs and that Community Development staff be authorized to submit the grant applications electronically; and

That the Mayor be authorized to execute any Grant Agreements for the above amounts, or for a greater or lesser amounts, and any amendments to the initial Grant Agreements which increase, decrease or deobligate Program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service. The funding obtained with this grant will benefit Districts 1 through 8.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Four Thousand Six Hundred And No/100 Dollars (\$4,600.00, Grant - \$650.00 and Loan - \$3,950.00), against the following described real property:

Lot 2, Block 14, MILLERS LAKESIDE ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Vol. 5, Page 7, Plat Records of El Paso County, Texas known and numbered as 122 Edith Drive

for consideration paid to the City in full satisfaction of certain Notes executed by the owners of the above-described real property; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Four Hundred Nine and 12/100 Dollars (\$409.12).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Sixteen Thousand Nine Hundred And No/100 Dollars (\$16,900.00, Loan - \$16,075.00 and Grant - \$825.00), against the following described real property:

Lots 33 and 34, Block 88D, FIRST REVISED PLAT OF LOGAN HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Book 12, Page 37, Plat Records of El Paso County, Texas; known and numbered as 3432 Keltner

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Assistance Amendment to the El Paso Brownfields Site Assessment Demonstration Pilot Assistance Agreement No. BP-98686001-2 to amend the budget as requested for the project period of September 30, 2004. The award amount remains \$200,000, subject to the terms and conditions of the original award, as amended.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewal, and related materials, with the Texas Department of Health:

EPI – CHILDHOOD POISONING PREVENTION
Document No. 7460007499-2005, Attachment No. 05

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts:

1. One (1) Painted wood and mixed media by Pam Nelson, **Remember**, 1984, 25" x 69" x 8", One (1) Painted wood, copper, paste jewels by Pam Nelson, **The Arrangement**, 1987, 35" x 28" x 6", One (1) Painted wood, copper by Pam Nelson, **Your Life is on Fire**, 1989, 53" x 28" x 23", offered by Larry and Nancy Newman of Dallas, Texas, and
2. One (1) Fabricated steel, by James Drake, **Walk-In File Cabinet**, 1984, 72" x 96" x 120", One (1) Fabricated steel, charcoal on paper, mixed media, by James Drake, **The Border/La Frontera**, 1986-1988, 126" x 288" x 168", offered by Michael and Marynell Maloney of San Antonio, Texas.

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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to move to the regular agenda the following:

Representatives Austin, Escobar and Cobos were not present for the vote.

RESOLUTION

WHEREAS, Section 392.005 (a) Texas Local Government Code provides that the property of a housing authority is exempt from all taxes and special assessments of a municipality; and

WHEREAS, Section 392.005 (b), Texas Local Government Code provides that a housing authority may, in lieu of paying taxes or special assessment, agree to reimburse in payments to a municipality an amount not greater than the estimated cost to the municipality for improvements, services or facilities furnished to the housing authority by the municipality; and

WHEREAS, on July 13, 1972, the City of El Paso "City" and the Housing Authority of the City of El Paso "Housing Authority" entered into a Cooperation Agreement wherein the parties agreed that the Housing Authority shall make annual payment in lieu of taxes, "PILOT" for public improvements, services and facilities furnished to the Housing Authority by the City; and

WHEREAS, on October 3, 1978, the City and the Housing Authority entered into an Amendment to the 1972 Cooperation Agreement, which stated that the City, by a majority vote of the City Council, may waive all or part of the PILOT, at any time, for the purposes of permitting the Housing Authority to use such payment for activities which are approved by the City Council and which directly relate to projects of the Housing Authority; and

WHEREAS, in accordance with the provisions of the 1972 Cooperation Agreement and the 1978 amendment thereto, between the City and the Housing Authority, the City has for a number of years previously agreed, by Resolution, to waive all of its portion of PILOT from the Housing Authority and directed that the monies be designated to assist in funding the Y.W.C.A. for childcare services in public housing complexes; and

WHEREAS, the Resolutions adopted by the City, concerning the waiver and designation of PILOT funds, have served to benefit numerous children and their families residing in public housing throughout the community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City waive all of its portion of payment in lieu of taxes (P.I.L.O.T.) from the Housing Authority of the City of El Paso until November 1, 2013 in accordance with the Cooperation Agreement, and amendments thereto, between the City and the Housing Authority, with the monies to be designated to the Y.W.C.A. for childcare services in public housing complexes and/or for the benefit of public housing residents.

Representative Cook questioned the funding impact regarding the Boys and Girls Clubs.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, responded that he had reviewed the P.I.L.O.T. computations compiled by the Housing Authority and reviewed their audited statements.

Mr. Robert Blumenfeld, attorney representing the Housing Authority of the City of El Paso (HACEP), explained that the HACEP receives P.I.L.O.T. funding from the City and other taxing entities from which the Boys and Girls Club received funding. He added that HACEP had renewed a five-year commitment for the Boys and Girls Club of El Paso for after school programs for housing authority residents' children.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD G. CAMPOS, JR.**, to assist the Information Technology Department as a Senior Programmer Analyst at a biweekly rate of \$2,057.69 for 40 hours per week. The term of the contract shall be for the period of June 23, 2004 through June 22, 2006.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **IVONNE NIETO-NILA**, to assist the Information Technology Department as a Programmer Analyst at a biweekly rate of \$1,596.15 for 40 hours per week. The term of the contract shall be for the period of June 23, 2004 through June 22, 2006.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Memorandum of Understanding (MOU) by and between the **CITY OF EL PASO** and **BORDER INSTITUTE OF TECHNOLOGY** to create a partnership for the Information Technology Student Internship Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Memorandum of Understanding (MOU) by and between the **CITY OF EL PASO** and **EL PASO COUNTY COMMUNITY COLLEGE DISTRICT** to create a partnership for the Information Technology Student Internship Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Memorandum of Understanding (MOU) by and between the **CITY OF EL PASO** and **UNIVERSITY OF TEXAS AT EL PASO** to create a partnership for the Information Technology Student Internship Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Memorandum of Understanding (MOU) by and between the **CITY OF EL PASO** and **WESTERN TECHNICAL INSTITUTE** to create a partnership for the Information Technology Student Internship Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a TSLAC grant application in the amount of \$75,913 for a Technical Assistance Negotiated Grant (TANG) between the Texas State Library Archives Commission and the City of El Paso for the term of September 1, 2004, through August 31, 2005, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any other amount approved by TSLAC. The funds will be used for automation/technology assistance to enable the El Paso Public Library and member libraries of the Texas Trans-Pecos Library System to use and maintain information resource technology. No City matching funds are required.

***RESOLUTION**

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amended Partnership Agreement between the Upper Rio Grande Workforce Development Board, Inc. and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Partnership's Agreement until August 31, 2004. There is no change to the remaining terms and conditions of the Agreement.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. **CONTRACTOR:** Sonny Bernal, Lifeguard, Step 3
 DATES: June 23, 2004 through September 30, 2004
 RATE PER HR: \$6.20
 CONTRACT NO: **2003/2004-287**

2. **CONTRACTOR:** Graciela Casas, Swim Instructor, Step 2
 DATES: June 23, 2004 through September 30, 2004
 RATE PER HR: \$5.50
 CONTRACT NO: **2003/2004-288**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

SAN JUAN RECREATION CENTER

DEPARTMENT ID: 51510123, ACCOUNT 502214

1. **CONTRACTOR:** Sarah M. Anchondo, Ballet Instructor
 DATES: June 23, 2004 through August 31, 2004
 RATE PER CL: \$8.00
 MAXIMUM AMT: \$336.00
 CONTRACT: **2003/2004-158**

2. **CONTRACTOR:** Danielle Salamanca, Ballet Instructor
 DATES: June 23, 2004 through August 31, 2004
 RATE PER CL: \$8.00
 MAXIMUM AMT: \$336.00
 CONTRACT: **2003/2004-159**

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 502214

3. **CONTRACTOR:** Anthony Gonzalez, Game/Sports Coordinator
 DATES: June 23, 2004 through August 31, 2004
 RATE PER CL: \$8.00
 MAXIMUM AMT: \$1,800.00
 CONTRACT: **2003/2004-160**

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***REVISED RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Victim Services Response Team be operated for the July 1, 2004—June 20, 2005 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

WHEREAS, the El Paso City Charter authorizes the alternate Mayor Pro Tempore to sign documents in the absence of both the Mayor and Mayor Pro Tempore, and as such situation had occurred at the time that the original resolution regarding this grant application was approved by the El Paso City Council, the El Paso City Council designates Deputy Mayor Pro Tempore Paul J. Escobar as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

1. That the El Paso City Council approves submission of the grant application for the Victim Services Response Team project to the Office of the Governor, Criminal Justice Division.

3. The City of El Paso agrees to provide cash matching funds in the amount of \$12,362.00 and an in-kind match of \$5,315.00.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

5. The Deputy Mayor Pro Tempore be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a revised grant application form and other related documents for a COPS Securing our Schools Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the revised amount of \$37,500.00 for the purpose of providing training and coordination with local school districts and other agencies regarding a public safety response program. Matching funds required in the revised amount of \$37,500.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit a Grant Application to the Albert & Ethel Herzstein Charitable Foundation to request funding in the amount of \$30,000.00, for the purpose of paying a portion of the salary and benefits for two full time Multi Agency Referral System (MARS) coordinators at the Police Department, who provide early intervention services to minority and at-risk youth. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit a Grant Application to the Brown Foundation, Inc. to request funding in the amount of \$50,000.00, for the purpose of paying a portion of the salary and benefits for two full time Multi Agency Referral System (MARS) coordinators at the Police Department, who provide early intervention services to minority and at-risk youth. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a Grant Award for a COPS in Schools 2004 Grant (Grant Number 2004SHWX0054) from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$471,600 for the purpose of deploying four (4) additional School Resource Officers at the Ysleta Independent School District to work in and around schools as part of an overall plan to address crime and related problems through community policing and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. No matching funds are required.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 20th day of July, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8313 Hester Road, in El Paso, Texas, which property is more particularly described as:

Lot: 14, Peterson Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 7, Page 37, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Representatives Austin, Escobar and Cobos were not present for the vote.

- A. Accounting Technician (1)
- B. Solid Waste Landfill Attendant (1)

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the Staffing Table Change for **MAYOR AND COUNCIL**:

Delete	1.00	Internal Auditor	EX G
Add	1.00	City Internal Auditor	EX D

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to re-appoint Maritza R. Ruley to the Foster Grandparent Program Advisory Council by Representative John F. Cook.

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to appoint Bobbi McConaughy Gonzales to the City-County Animal Shelter Advisory Committee by Mayor Joe Wardy.

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to appoint Larry Nance to the Zoning Board of Adjustment (as a Regular member) by Representative Susan Austin, District 1.

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to appoint L. Gus Haddad to the City Plan Commission by Representative Robert A. Cushing, Jr., District 2.

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve installation, power, and maintenance of residential street lights at the following locations:

- A. SW corner of San Diego and Kentucky Cost: \$899.00
- B. Corner of 3231 Tyler Cost: \$899.00
- C. NE corner of Apollo Avenue and Claire Place Cost: \$899.00

D. 10 Street Lights on Dale Road at various locations, as per attachments, between North Loop Dr. and Orgain Wy. in the amount \$8,555.00.

1. 7101 Dale Road	\$464.00
2. 7119 Dale Road	\$899.00
3. 7138 Dale Road	\$899.00
4. 7153 Dale Road	\$899.00
5. Dale Road SW corner at Bucher	\$899.00
6. 7207 Dale Road	\$899.00
7. 7221 Dale Road	\$899.00
8. 7237 Dale Road	\$899.00
9. 7306 Dale Road	\$899.00
10. 7320 Dale Road	\$899.00

Representatives Austin, Escobar and Cobos were not present for the vote.

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*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C340-999-1170-2700, \$181.79 per month installments on a balance of \$3,272.22 for 2003 taxes; Mitchell L. & Liliana Felix – 643 El Parque.
- B. PID #G825-000-0040-0050, \$196.46 per month installments on a balance of \$2,357.52 for 2001 & 2002 taxes; Salvador, Jr., & M. Hernandez – 764 Lico.
- C. PID #M794-999-0640-8600, \$202.40 per month installments on a balance of \$2,226.40 for 2003 taxes; Enrique S. Armendariz – 3300 Polk Ave.
- D. PID #V893-999-0300-3900, \$288.04 per month installments on a balance of \$3,456.48 for 2003 taxes; Beatriz L. Ramirez – 1636 Vista De Oro.
- E. PID #W418-999-0050-2040, \$674.05 per month installments on a balance of \$8,088.60 for 2003 taxes; Lorenzo L. III & Mona L. Nava - 617 Shadow Willow.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the following tax refunds be approved:

- A. Ocwen Federal Bank in the amount of \$3,259.77, overpayment of 2003 taxes.
(PID #G686-999-0750-8500)
- B. Charter Bank in the amount of \$3,266.42 overpayment of 2003 taxes.
(PID #L212-999-0010-3000)
- C. First American Tax Service in the amount of \$7,706.75, overpayment of 2003 taxes.
(PID #U823-999-0040-2600)

Representatives Austin, Escobar and Cobos were not present for the vote.

.....

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to authorize use of District 5 discretionary funds in the amount of \$10,550.00 for improvements to Eastwood (Album) Park's Bark Park.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the request to allocate \$1,600.00 from District 2 Discretionary Funds to assist the Parks and Recreation Department with the two Neighborhood Youth Outreach Programs, at Grandview/Sacramento and Friendly Community Centers for field trip to Western Playland.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2003-152 for Automated External Defibrillators with Access CardioSystems Inc.

Department: Police Department
Funds available: 21010060-503123-01101
Funding source: Operating Funds
Item (s): Item 1 – Automated External Defibrillators 2 each @ \$1,180.00 each
Total award: \$2,360.00

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the Director of Purchasing be authorized to issue Purchase Order(s) as necessary to RLM Software to provide its licensed database platforms, including maintenance and support, of its proprietary software, FlightView® until such time that RLM Software is no longer the sole source.

RLM Software is the developer and exclusive sole source provider of FlightView®. As proprietor of the database platforms, RLM Software is the only known source that can provide the required processing and support to its proprietary software platform(s).

These database platform(s) will provide information in a graphical format about flights for which the departure or arrival airport is El Paso International Airport for both Airport Operations and on the Airport's Web Site.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the Mayor execute any additional documents and/or licensing agreements as necessary. Funds for this expenditure shall be made available in the following account:

Department: Department of Aviation
Funds Available: 62620003-503121
Funding Source: Airport Operating Funds
Amount: \$15,000.00 (annual estimate)

Representatives Austin, Escobar and Cobos were not present for the vote.

.....

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-165R Professional Planning Services For Development of Public Art Master Plan

Award to: Freeman/Whitehurst Group
Phoenix, AZ
Item (s): All
Amount: \$75,000.00

Department: Arts Resources
Funds available: Contingency Funds
Funding source: Contingency Account
Total award: \$75,000.00

The review committee for the Award of Professional Planning Services for Development of Public Art Master Plan has met and reviewed the proposals that were received. It is the recommendation of the committee to award the RFP to this firm. The proposal response addressed the scope and intent of the RFP and was the highest ranked proposer.

This project will be funded from funds from the contingency account. It is requested to use funds from the contingency account and that budget transfers by staff be authorized.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

It further is requested that the Mayor and staff be authorized to execute budget transfers for this award and project, as necessary.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-135 Commercial Floor Maintenance Machines

Award to:	Vendor 1	Alto U.S., Inc. Chesterfield, MO
Item (s):		1
Amount:		\$14,205.76
Award to:	Vendor 2	Best Machine Repair, Inc. El Paso, TX
Item (s):		3
Amount:		\$27,900.00
Award to:	Vendor 3	Thoro-Matic, Inc. Kanakakee, IL
Item (s):		2
Amount:		\$1,405.00
Department:		Department of Aviation
Funds available:		626200020-508008PS-P500004-41022
Funding source:		Airport Capital Funds
Total award:		\$43,510.76

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer(s), by definition meeting specifications, from responsible parties. This is a fixed-price, single (one-time) purchase, to Commercial Floor Maintenance Machines. A lower bid was received but was deemed non-responsive as detailed in the backup.

Vendor 1 and Vendor 3 offer the City the option of purchasing up to 100% of the original contract quantities, if the option is exercised within Six (6) Months, from the date of award of the contract. Vendor 2 offers the City the option of purchasing up to 100% of the original contract quantities, if the option is exercised within Three (3) Months, from the date of award of the contract.

Vendor 3 offers a 4% discount if paid within 10 days.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-171 Street Name Sign Hardware

Award to: MD Solutions
Dublin, Ohio
Item (s): #1, #2 & #3 (all)
Amount: \$30,190.00

Department: Street Department
Funds available: 14200403-32010287-508027-503203-PBE04ST128
Funding source: General Street Operations-FY 2004 Bonds
Total award: \$30,190.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option of purchasing up to 100% of the original contract quantities, at the same unit prices, if the option is exercised within Sixty (60) or Ninety (90) days from date of award of the contract.

This is a fixed-price, single (one time) purchase, for Street Name Sign Hardware for the Street Department.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-172 Audible Pedestrian Signals

Award to: Consolidated Traffic Controls, Inc.
Arlington, Texas
Item (s): #1 & #2 (all)
Amount: \$28,400.00 (estimated)

Department: Street Department-Traffic Engineering Division
Funds available: 14200403-508027-PBE04ST130-PBE04ST131
Funding source: 29145-29146-Singal & Flasher Installation
Total award: \$28,400.00 (estimated)

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids. The Street-Traffic Engineering Division and Purchasing Departments recommend award as indicated to the Sole responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Twelve (12) months.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-174 Signal Cable

Award to: Vendor 1 Paige Electric Co.
Uncon, NJ
Item (s): 1-3-6
Amount: \$17,570.00

Vendor 2 Graybar Electric
El Paso, TX
Item (s) 7
Amount \$12,075.00

Department: Municipal Services-Street Department
Funds available: 32010288-01101-503203
Funding source: Operating Account-Traffic Signals
Total award: \$29,645.00

Street Department and Purchasing recommend award as indicated, as these vendors are the low, responsible and responsive bidders meeting specifications. This is a one-time purchase.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-180 Peterbilt Proprietary Parts & Service

Award to: Rush Truck Center
El Paso, Texas
Item (s): #1 & #2 (all)
Amount: \$110,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503121-45202
Funding source: Fleet Service Internal Service Fund
Total award: \$330,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the Sole lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the contract.

No other options offered. This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-182 Street Construction Material-Emulsions

Award to: Jobe Concrete Products, Inc.
El Paso, Texas
Item (s): Group I, #1 & #2, Group II, #1, #1B & #1C
Amount: \$15,000.00 (estimated annually)
Department: Street Department
Funds available: 32010200-503203-01101
Funding source: Street Operations Fund
Total award: \$30,000.00 (estimated)

The Street and Purchasing Departments recommend award as indicated to the Sole responsive offer meeting specifications, from responsible parties.

No options offered. This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to award Bid No. 2004-184 Proprietary Parts & Service-Dodge/Chrysler Motor Co.

Award to: Dick Poe Chrysler/Jeep
El Paso, Texas
Item (s): Group A, #1 & #1A, Group B (all)
Amount: \$25,000.00 (estimated annually)
Department: Fleet Services
Funds available: 37370510-503121-45202
Funding source: Fleet Service Internal Service Fund
Total award: \$75,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. No options offered. This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-677 BUILDING AND PLANNING SERVICES

Representatives Austin, Escobar and Cobos were not present for the vote.

Building and Planning Services proposes to appropriate \$52,482 to fund construction of Vista Del Sol Park. Funding source is 2000 QOL bonds. Building and Planning Services also proposes to transfer \$5,674 within the project to realign the project budget.

Decrease	\$ 2,200	from	31130600/PPW004604460059/508022	Admin
Decrease	\$ 1,365	from	31130600/PPW004604460059/508024	Testing
Increase	\$ 8,700	to	31130600/PPW004604460059/508026	Inspections
Increase	\$49,456	to	31130600/PPW004604460059/508027	Construction
Decrease	\$ 500	from	31130600/PPW004604460059/508050	Design
Decrease	\$ 1,609	from	31130600/PPW004604460059/508051	City Mgmt
Increase	\$52,482	to	31130600/PPW004604460059/407020	Bond Proc

Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-825 PARKS AND RECREATION.

Mr. Bernie Sargeant, citizen, explained that he no longer wished to address the matter.

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-825 PARKS AND RECREATION

This budget transfer requests the transfer of an existing appropriation to fund a summary audit of the Land Management and Recreation Services functions of Parks and Recreation. This implements Section 2.20.070 of the City Ordinance establishing the Board of Parks and Recreation.

Increase	\$25,000	to	51010214/01101/502115	Mgmt Consult
Decrease	\$25,000	from	51010262/01101/502212	Security

Representatives Power, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-844 COMMUNITY AND HUMAN DEVELOPMENT

Representatives Austin, Escobar and Cobos were not present for the vote.

This budget transfer establishes the Public Service Board budget for the construction of the Ramona Avenue Street and Drainage Improvements Project funded through Community Development in the 29th (2003-2004) Yr.

Increase	\$67,920	to	71150065/G7128PS003711077/406002	LocGrtProc
Increase	\$67,920	to	71150065/G7128PS003711077/508027	Construction

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-845 COMMUNITY AND HUMAN DEVELOPMENT

Representatives Austin, Escobar and Cobos were not present for the vote.

This budget transfer establishes the Public Service Board budget for the construction of the Thomas Place Street and Drainage Improvements Project funded through Community Development in the 29th (2003-2004) Year.

Increase	\$33,453.82	to	71150065/G7128PS003911078/406002	LocGrtProc
Increase	\$33,453.82	to	71150065/G7128PS003911078/508027	Construction

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-854 AIRPORT

Representatives Austin, Escobar and Cobos were not present for the vote.

Transfer of funds to cover cost of RM Personnel Services for maintenance of the old Industrial Park area and Butterfield Trail Industrial Park for the remainder of the year. Costs have exceeded original estimates.

Increase	\$35,000	to	62620011/40101/502001	TempSrvCnt
Increase	\$40,000	to	62620013/40101/502001	TempSrvCnt
Increase	\$75,000	to	62620013/40101/407001	Intrafd Trfr In
Increase	\$75,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$75,000	to	62620018/P50000241021/507001	IntrafdTrfrOut

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-855 FIRE

Representatives Austin, Escobar and Cobos were not present for the vote.

Request the transfer of an existing appropriation to correctly reflect the nature of spending for this fiscal year.

Decrease	\$30,000	from	22010100/01101/503120	UnfAppl&Sup
Decrease	\$ 2,000	from	22010319/01101/503122	MtSup/PtNOC
Decrease	\$ 2,363	from	22010319/01101/503200	Bldg/FcMt/Rp
Decrease	\$ 1,000	from	22010319/01101/503204	VehMaint/Rpr
Increase	\$35,363	to	22010320/01101/503118	VehMaint/Sup

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-863 BUILDING AND PLANNING SERVICES

Representatives Austin, Escobar and Cobos were not present for the vote.

Building and Planning Services proposes to appropriate \$16,836.52 of interest revenue from the 2003 COs to the Cotton Street Bridge project.

Increase	\$16,836.52	to	31260001/PPWST0302160632/407002	Est Rev
Increase	\$16,836.52	to	31260001/PPWST0302160632/508030	Bdg/OvpsStr

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-880 BUILDING AND PLANNING SERVICES

Representatives Austin, Escobar and Cobos were not present for the vote.

Building and Planning Services proposes to appropriate \$4,232,528 to fund construction of the Plaza Theatre. Funding source is 2004 Revenue Bonds.

Increase	\$4,232,528	to	14300100/PPW031027911/508027	Construction
Increase	\$4,232,528	to	14300100/PPW031027911/407020	Rev Bonds

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the request of Orbis Forum & Union Plaza Property Owner's Association to use amplification (4 speakers, 4 microphones, 4 amps) at Western Park / Union Plaza on June 24, 2004 through August 26, 2004 from 6:00 p.m. to 10:00 p.m. (Thursdays only) for Summer Cultural Brew. Approximately 5 persons will take part and 40 spectators are anticipated. PERMIT # 04-055 [Gilbert Guillen]

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete the introduction of an Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on September 11, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance; and providing an effective date. [Representative Robert A. Cushing, Jr., (915) 541-4996]

Representatives Austin, Escobar and Cobos were not present for the vote.

*Motion made, seconded and unanimously carried to delete the introduction of an Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on September 11, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this ordinance; and providing an effective date.

Representative Cook questioned the deletion of the matter.

Representative Cushing explained that the principals involved in The Staubach Group requested that the item be deleted.

.....
Motion made by Representative Power, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Austin, Escobar and Cobos were not present for the vote.

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.180 (No Stopping or Standing- Tow - Away Zone), Subsection (A) of The El Paso Municipal Code, by amending a location on Missouri Avenue. The penalty being as provided in Section 12.88.180 of The El Paso Municipal Code.
- B. An Ordinance amending Title 12(Vehicles and Traffic) Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), of The El Paso Municipal Code, to add subsections identifying the speed limit as Thirty Five Miles Per Hour on Jon Cunningham Boulevard, Marcus Uribe Drive Street and a portion of Loma Del Norte Drive. The penalty is as provided in Section 12.84.010 of The El Paso Municipal Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), of The El Paso Municipal Code, to temporarily reduce the existing speed limit of 60 M.P.H. to 50 M.P.H. on U. S. 54 between Hondo Pass Drive and Yandell Drive for the duration of the U. S. 54 construction project. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code.
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.030 (Schedule III-Parking Prohibited At All Times On Certain Streets) to add a new location on Heisig Avenue between Main Street and Prospect Street, North side only. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code.
- E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Schedule VI-Parking Time Limited on Certain Streets), Paragraph A (Parking Time Limit Two Hours Between 8:00 a.m. and 6:00 p.m., Except Sundays and Legal Holidays) of The El Paso Municipal Code, to delete a location on Missouri Avenue, both sides, from Campbell Street to Ochoa Street. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code.
- F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow - Away Zone), Subsection (A) of The Municipal Code, by adding new locations on Dodge Road, Redd Road and Resler Drive. The penalty being as provided in Section 12.88.180 of The El Paso Municipal Code.
- G. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times on Certain Streets) to delete an existing location on the North side of Redd Road from Resler Drive to a point 150 feet East thereof. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON WEDNESDAY, JULY 7, 2004 FOR ITEMS A – G

- H. An Ordinance changing the zoning of Lots 23 And 24 and the East 17 feet of Lot 25, Block 93, East El Paso Addition, El Paso, El Paso County, Texas (3230 Montana Avenue) from R-5 (Residential) to A-O (Apartment/Office) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ricardo Romero / Representative: Luis De La Cruz; 9013 Lait Drive, El Paso, TX 79925. ZON04-00058
- I. An Ordinance granting Special Permit No. ZON04-00065, to allow for a planned residential development on Tract 4 and Tract 5A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Sal Massoud, Sam Phillips, Jorge Herrera, and Victor Herrera / Representative: Del Rio Engineering, Inc.; 491 N. Resler Drive Suite F, El Paso, TX 79912.

PUBLIC HEARING WILL BE HELD ON TUESDAY, JULY 13, 2004 FOR ITEMS H – I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
1st Motion:

Motion made by Representative Cook, seconded by Representative Cushing and carried to amend the resolution to add the following language:

Whereas On June 9, 2004 the Public Utility Commission unanimously voted to require the approval and operation of a Regional Transmission Organization (RTO) as a necessary first step to introducing retail competition of the electric market in Texas, and

AYES: Representatives Austin, Cushing, Lozano and Cook
 NAYS: Representatives Power and Rojas
 NOT PRESENT: Representatives Escobar and Cobos

2nd Motion:

Motion made by Representative Cook, seconded by Representative Cushing and carried to approve the amended resolution below:

AYES: Representatives Austin, Cushing, Lozano and Cook
 NAYS: Representatives Power and Rojas
 NOT PRESENT: Representatives Escobar and Cobos

**A RESOLUTION OF THE CITY OF EL PASO, TEXAS,
 SUPPORTING A DELAY OF RETAIL COMPETITION FOR
 EL PASO ELECTRIC COMPANY**

WHEREAS, no electric utility in the Western Electricity Coordinating Council has successfully implemented full retail competition; and

WHEREAS, the Federal Energy Regulatory Commission has mandated the development of regional transmission organizations ("RTOs") to facilitate competition at the wholesale level; and

WHEREAS, no RTO has developed that includes El Paso Electric Company ("EPE"); and

WHEREAS, on June 9, 2004 the Public Utility Commission unanimously voted to require the approval and operation of a RTO as a necessary first step to introducing retail competition of the electric market in Texas; and

WHEREAS, the state of New Mexico, under whose jurisdiction EPE also provides service, has postponed indefinitely the implementation of retail electric competition; and

WHEREAS, no Texas electric utility outside of the Electric Reliability Council of Texas ("ERCOT") has successfully implemented retail competition; and

WHEREAS, the City of El Paso, having considered the foregoing, is of the opinion that EPE will be unable in the near future to offer fair competition and reliable service to all retail customer classes in its service territory.

NOW, THEREFORE, BE IT RESOLVED by the City of El Paso that retail electric competition is not appropriate for the City of El Paso at this time.

Representative Cushing explained that the Public Utility Commission ("PUC") had ruled the City was not in a position to investigate deregulation.

Representative Power requested a copy of the PUC ruling and opined that the process should be allowed to continue, specifically, the public comment period. He reiterated the need to allow for a PUC public comment period to allow the community to apprise themselves of the issue, and he stated that approving the resolution was highly premature of the Council.

Representative Cook read his amendment to Resolution into the record.

Mr. Norman Gordon, bond counsel, explained that the PUC had published the ruling for public comment on June 9, 2004, and added that the rule would not be enacted until the Fall. He explained the timeline requirements regarding the PUC ruling.

Ms. Richarda Duffy Momsen, City Clerk, read the resolution into the record.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **PROFESSIONAL SERVICE INDUSTRIES, INC.**, for a two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

Mr. Alex Woelper, ENCON International Inc., requested that the Council institute a formal "Buy El Paso" policy and addressed the need to support local businesses. He noted that his firm had bid for the Geotechnical and Testing Laboratory Service contract; however, were not selected. He requested that the Council not change their policy(ies) midstream and award the Agreement to Professional Service Industries, Inc. He relayed that the City of Las Cruces, as well as the State of New Mexico, includes 5% bonus points (local preference) for local firms in their bidding process.

Representative Austin questioned Mr. Raymond L. Telles, Assistant City Attorney, regarding the City's ability to implement local preference under the Architect and Engineer contracts, as per State law.

Mr. Telles responded no local preference could not implemented.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, provided additional clarification regarding the A/E Selection process as it pertained to the three firms who bid.

Mr. Danny R. Andersen, PSI local representative, provided background information regarding the sale of Danny R. Andersen, Inc. to PSI and stressed that PSI hired local individuals only. He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Cook, seconded by Representative Cushing and carried to approve the above resolution.

- AYES: Representatives Austin, Cushing, Cook and Power
- NAYS: Representatives Lozano and Rojas
- NOT PRESENT: Representatives Escobar and Cobos

Following the vote, the following discussion transpired:

Representative Rojas questioned Mr. Raymond L. Telles, Assistant City Attorney, regarding local preference.

Mr. Telles explained that, as per State law, local preference was not permissible and added additional legal information.

Ms. Lisa A. Elizondo, City Attorney, expressed that the City does utilize “local preference” language where permissible under State law.

Representative Lozano requested that the City review the possibilities of instituting a tariff tax for out-of-town companies.

Representative Cook commented on language within a “Reciprocal Agreement” with New Mexico and suggested that Legal research including that option for consideration in the City’s Legislative Agenda.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete the discussion and action on the term and not to exceed amount related to the Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **PROFESSIONAL SERVICE INDUSTRIES, INC.**

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
JOINT RESOLUTION

WHEREAS, the El Paso Water Utilities, Public Service Board, a Board of Trustees responsible for the complete management and control of the water and wastewater system for El Paso, being a component unit of the City, and having jurisdiction over approximately 25,000 acres of land in El Paso, El Paso County, Texas; and,

WHEREAS, a part of this acreage is a parcel of land being a portion of Tract 1A, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas and consisting of 34.121 acres of land, more or less; and,

WHEREAS, the El Paso Water Utilities staff has been working for several years with District #1 City Representatives, the City parks department, City planning department and other community partners to identify a park site for west El Paso; and,

WHEREAS, the 34.121 acre site the subject of this Joint Resolution has been identified and agreed upon by the City and the El Paso Water Utilities as an appropriate location for a west side park for El Paso; and,

WHEREAS, the City Administration has requested the conveyance of the 34.121 acre site to the City for use as a park at a cost of 25% of the appraised value of the property, a total of \$278,750.00 plus the cost of appraisal, survey and environmental review Phase I; and,

WHEREAS, the El Paso Water Utilities Public Service Board finds that the 34.121 acre site is land that is inexpedient to the water and wastewater system; and,

WHEREAS, the City desires to transfer the 34.121 acre site to the City real property inventory,

NOW THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. The findings and recitations set out in the preamble to this Resolution are true and correct, and are hereby adopted by the Public Service Board and the City Council and made a part of this Resolution for all purposes.

Section 2. The Public Service Board hereby determines that the transfer of real property described in Exhibit "A" (Exhibit "A" on file in the City Clerk's Office) hereto, being a 34.121 acre tract of land in Tract 1A, Nellie Mundy Survey No. 240, El Paso, El Paso County, Texas, is inexpedient to use in connection with the Water and Wastewater System, and will not impair the assets of the El Paso Water Utilities or adversely affect the operation of the Utility.

Section 3. The property described in Exhibit "A" (Exhibit "A" on file in the City Clerk's Office) hereto is hereby transferred from the jurisdiction of the El Paso Water Utilities to the jurisdiction of the City of El Paso.

Section 4. The City shall pay the El Paso Water Utilities the sum of \$278,750.00 plus the cost of appraisal, survey and environmental review, Phase I, in consideration for this transfer.

Section 5. A true, correct and complete copy of this Resolution shall be transmitted to the City Attorney's Office for action of the El Paso City Council.

Section 6. This resolution shall become effective from and after its adoption.

PASSED AND APPROVED at regular meeting of the Public Service Board of the City of El Paso, Texas, this 9th day of June, 2004, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

Representative Power questioned the use of taxpayer dollars for land acquisition and requested an update regarding the revisions to the Public Service Board - 1965 Memorandum of Understanding (MOU). He asked questions of City staff member Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services.

Mayor Joe Wardy provided explanation regarding the \$1 million the PSB had spent for the purple pipe/reclaimed water for this park. He commented that neither the City nor the PSB had complied with the 1965 Memorandum of Understanding and requested Council Member's input for inclusion in the new MOU/Agreement.

Representative Cook complimented the PSB for their investing \$1 million for the project and commented on the setting of incentives by the PSB regarding the Master Plan for 17,000 acres in the Northeast and the development of a retirement community.

Motion made by Representative Austin, seconded by Representative Cushing and carried to approve the above resolution.

AYES: Representatives Austin, Cushing, Lozano, Cook and Rojas
NAYS: Representative Power
NOT PRESENT: Representatives Escobar and Cobos

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete the public hearing to determine if the property located at 700 E. Third Avenue AKA 502 S. Florence Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 5th, 2003. The owners of this property, Adolfo J. & Alexandro Avila, 8445 New Haven Drive, El Paso, Texas 79907, have been notified of the violations at this property. Property located at 502 S. Florence has delinquent taxes in the amount of \$209.30.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 the public hearing to determine if the property located at 11661 Norman Montion Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 25th, 2004. The owner of record as of March 23rd, 2004, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$9,495.60.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
Public Hearing to receive comments on, and discussion and action on Program Performance and the adoption of the Proposed Annual Action Plan 2004-2005 including the 30th Year (2004-2005) Community Development Block Grant Program Budget, the FY 2004 Emergency Shelter Grant and FY 2004 HOME Investment Partnerships Program Budgets.

Ms. Nathalie Prise, Interim Community and Human Development Director, gave a Powerpoint presentation (on file in the City Clerk's office) and noted that the recommendations made by the Mayor's Blue Ribbon Ad Hoc Committee would become effective for the 2005-2006 CDBG Program Budget. She answered questions from and responded to comments made by the Council Members.

Ms. Irene Ramirez, Interim City Engineer, provided an engineering explanation regarding why Sequoia Court Street and Drainage Improvements must precede Teakwood Road, Street and Drainage Improvements.

Mayor Joe Wardy requested that the Public Hearing commence.

The following members of public made comments regarding the Sequoia Court and Teakwood Road – Street and Drainage Improvements:

Ms. Ana Dueñez, Ms. Maria Elena Luna, and Ms. Guadalupe Medina, who spoke in Spanish, with Ms. Dueñez providing the interpretation.

.....

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council having conducted a public hearing in order to receive comments on Program Performance and on the Proposed Annual Action Plan 2004-2005 of the Consolidated Plan for 2000-2005 hereby adopts a Final Action Plan for 2004-2005, including the 30th Year (2004-2005) Community Development Block Grant Program, FY 2004 Emergency Shelter Grant Program and FY 2004 HOME Investment Partnerships Program Budgets.

See the discussion on page 27 under the public hearing.

The City Clerk called for further public comment. There was no further public comment.

1st Motion:

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above resolution for the 30th Year (2004-2005) Community Development Block Grant Program.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power and Rojas
NAYS: None
NOT PRESENT: Representatives Escobar and Cobos

2nd Motion:

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above resolution for the FY 2004 Emergency Shelter Grant Program and FY 2004 HOME Investment Partnerships Program Budgets.

AYES: Representatives Cushing, Lozano, Cook, Power and Rojas
NAYS: None
ABSTAIN: Representative Austin (affidavit on file in the City Clerk's Office)
NOT PRESENT: Representatives Escobar and Cobos

.....

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2004-2005, which includes the 30th Year (2004-2005) Community Development Block Grant Program, the FY 2004 Emergency Shelter Grant Program and the FY 2004 HOME Investment Partnerships Grant Program Budgets, and all certifications contained therein; and

That the Mayor be authorized to sign the Grant Agreements with HUD for the three entitlement grants covered by the Annual Action Plan: the Community Development Block Grant, the Emergency Shelter Grant and the HOME Investment Partnerships Program; and

That the Mayor be authorized to sign Letters of Support, Certifications of Local Government Approval, and Certifications of Consistency with the Consolidated Plan required by HUD or the State of Texas for grant applications or applications for Low Income Housing Tax Credits for programs covered by the Consolidated Plan; and

ORDINANCE 15818

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW-AWAY ZONE), SUBSECTION (A) OF THE EL PASO MUNICIPAL CODE, BY ADDING NEW AND REVISING EXISTING PARKING RESTRICTIONS ON WESTWIND DRIVE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos
NAYS: None Absent: None

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 an Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, to change the Commission Procedures.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete an Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 14, Efficiency Ratings, Section 7, Appeals, to change the Appeals Process.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone until the Regular City Council Meeting scheduled for July 7, 2004 an Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 20, Lay-Off, Job rights, Reinstatement, to amend the Lay-Off and Reinstatement Procedures.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete an Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 21, Ex-Parte Communications, to change the restrictions placed on Ex-Parte Communications.

Representatives Austin, Escobar and Cobos were not present for the vote.

.....
*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, July 7, 2004 an Ordinance changing the zoning of a portion of Tract 225, Sunrise Acres No. Two, El Paso, El Paso County, Texas (4650 Vulcan Drive) from R-4 (Residential) to A-M (Apartment-Mobile Home Park). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Martha P. Yee / Representative: Luis De La Cruz, 9013 Lait Drive, El Paso, TX 79925. ZON04-00045

Representatives Austin, Escobar and Cobos were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Power and carried to deny the Resolution that the Mayor be authorized to sign an Amendment to the Contract between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, amending the Contract imposed by Ordinance No. 8929 and dated February 17, 1987; to release Condition No. 5 on the property described as *Lots 18, 19, 20, 21, and 22, Block 3, and a Portion of Kappa Road, Keystone Business Park, El Paso, El Paso County, Texas*. ZONE: C-4/sc (Commercial/special contract). ZON04-00028. Applicant: Keystone Dam, Ltd. / Representative: Paul O. Sargent, Jr., 6006 N. Mesa, Suite 110, El Paso, TX 79912. **THIS IS AN APPEAL CASE.**

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAY: Representative Austin

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) had voted 4-3 to deny the request by the applicant and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was opposition to the matter and answered questions from and responded to comments made by the Council Members.

Mr. Bashar Abugalyon, Engineering Department, responded to comments and questions from Council Members Cobos and Austin regarding overflow/spillway at Keystone Dam.

The following individual spoke in favor of the Resolution:

Mr. Paul Sargent, attorney representing the applicant, explained that the property would be developed eventually and noted that the property owner had offered additional property, adjacent to the archaeological site, as an additional buffer, in addition to, rezoning certain lots from C-4 to Apartment/Office (A-O). He stated that the property owner had originally donated 19 of the 37.7 acres comprising the park and requested that the Council vote in favor of the Resolution authorizing the change in the contract.

The following individuals spoke in opposition:

1. Mr. Stephen Pugh, Keystone Heritage Park, Inc., requested that the City develop the Park and purchase the property surrounding the park. He answered questions from and responded to comments made by the Council Members.
2. Dr. Carol Miller, UTEP Professor, gave a Powerpoint presentation and provided handouts for the Council Members and answered questions from and responded to comments made by the Council Members.
3. Father Pablo Mata, St. Jude Church, stated that the proposed development was not a benefit to the community. He stated that he was in support of low-density development.
4. Mr. Leo Barraza, citizen, commented on the amount of traffic on area streets and suggested that Hidden Road and Kappa Road be connected to alleviate that traffic congestion. Mr. Valdez clarified that language within the zoning contract prohibits access on Hidden Way.
5. Mr. Bernie Sargent, Keystone Heritage Park, Inc., thanked Mr. Chris Cummings and CIC for the donation of 14 acres of wetland and 4 acres of archaeological site properties. He spoke of his concerns regarding the proposed development and increased traffic congestion on the Park.

Mr. Matt Watson, Assistant City Attorney, explained that a simple majority vote of the Council Members would either pass or defeat the matter.

Representative Cobos commented on the pros and cons of the proposed development. He moved to deny the release of Condition No. 5 of the Contract. Representative Power seconded.

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ORDINANCE 15819

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, BLOCK 6, CHRISTY TRACT IN BLOCK 31, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (SCHWABE ROAD) FROM R-F (RANCH-FARM) TO R-3 (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and added that Representative Rojas had requested a condition be imposed to limit the density on the property to one residential unit.

Representative Rojas explained her request to implement the condition and change the zoning request to R-3.

Ms. Rosa Maria Lopez, property owner, spoke in Spanish with Representative Rojas interpreting. Representative Rojas restated the conversation for the Council and noted that the applicant and her spouse were agreeable to the special condition and zoning change request.

The City Clerk called for any further public comment. There was no further public comment.

Motion duly made by Representative Rojas, seconded by Representative Cook, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as amended.

.....
ORDINANCE 15820

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 1 AND A PORTION OF LOT 2, BLOCK 2, HUECO VIEW ACRES AND A PORTION OF HARKIS ROAD, EL PASO, EL PASO COUNTY, TEXAS (NORTH OF EDGEEMERE BLVD.) FROM M-1 (MANUFACTURING) TO R-5 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had unanimously recommended approval. He added that there was opposition to the zoning change request and explained the nature of the opposition.

Representative Power commented on the much needed paving of Edgemere and hoped that the proposed development would spur additional residential developments.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Council Member Lozano was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15821

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 2B AND A PORTION OF THE ELLIS LATERAL, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL), PARCEL 2: A PORTION OF TRACT 2B AND A PORTION OF THE ELLIS LATERAL, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2A (RESIDENTIAL), PARCEL 3: ALL OF TRACT 3A, A PORTION OF TRACT 1G, AND A PORTION OF THE ELLIS LATERAL, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2A (RESIDENTIAL), AND PARCEL 4: A PORTION OF TRACT 1G AND A PORTION OF THE ELLIS LATERAL, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) had suggested the applicant revise the initial site plan. The CPC voted 6-1 to deny the initial site plan submitted, however, they voted unanimously to approve the revised site plan and the DCC had voted unanimously to approve the revised site plan. He answered questions from and responded to comments made by the Council Members.

Representative Cobos thanked all parties for their coming to an agreeable compromise.

Ms. Mary Francis Kiesling, President, Save the Valley, Neighborhoods First, thanked everyone involved.

Representative Austin thanked the CPC (City Plan Commission) for their suggested site plan revision.

The City Clerk called for any further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15822

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 11 AND ALL OF LOT 12, BLOCK 20, SECOND AMENDED MAP OF WEST YSLETA, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Representative Rojas commented on flooding and ponding concerns on Dorbandt Circle and Davis Drive and the neighbors had requested the vertical construction be postponed until after the CIP Improvements for Dorbandt had commenced.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15823

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 79 AND 80, SUNRISE ACRES NO. ONE, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as amended.

*Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone one (1) week an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by adding church as a permitted use in Chapters 20.34 (C-OP Office Park District), 20.46 (M-1 Light Manufacturing District), 20.48 (M-2 Heavy Manufacturing District), 20.50 (M-3 Unrestricted Manufacturing District), 20.53 (U-P Union Plaza District), 20.58 (P-C Planned Commercial District), and 20.60 (P-I Planned Industrial District). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.

Representatives Austin, Escobar and Cobos were not present for the vote

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ORDINANCE 15824

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY THE EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO REDESIGNATE PROPOSED ARTERIAL 1, BETWEEN MESA STREET AND STANTON STREET AS A COLLECTOR ARTERIAL.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and explained that Roma Development Corporation requested Arterial 1 be removed/downgraded and Stanton Street extension be deleted from the 2025 Proposed Thoroughfare System. He answered questions from and responded to comments made by the Council Members.

Representative Austin asked questions of Mr. Conrad Conde, Roma Development representative, regarding a collector arterial vs. right-of-way and the possibilities of a future tunnel.

Mr. Conde explained the developer's request to amend the 2025 Proposed Thoroughfare System and noted the developer's willingness to build a four-lane undivided roadway, as a collector, today. He commented on the tunnel feasibilities.

Representative Austin moved to amend the Ordinance language. Representative Cushing seconded.

The City Clerk called for public comment. There was no public comment.

1st Motion:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to revise the caption of the ordinance to read as follows:

An ordinance amending the 2025 proposed thoroughfare system as detailed in the map atlas of the plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to redesignate proposed Arterial 1, between Mesa Street and Stanton Street as a collector arterial.

Motion duly made by Representative Austin, seconded by Representative Power, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:39 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Sun Metro Collection for vehicle number 9423, Allstate claim number 6321941806. (551.071)
- B. Discussion and Action on Personnel Item - James Jackson (551.074)
- C. Manuela Beltran, et. al. vs. The City of El Paso, et. al., EP-02-CA-0206-PRM (551.071)

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to adjourn the Executive Session at 1:22 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Lozano and Rojas were not present for the vote.

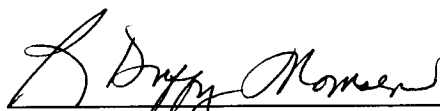
.....
Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried that the City Attorney or the designated Assistant City Attorney be authorized to sign the appropriate documents to settle the **Sun Metro Collection for vehicle number 9423, Allstate claim number 6321941806**, as recommended by the City Attorney.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the employment contract with **JAMES JACKSON** be terminated for convenience.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the demand received from Plaintiff in the litigation styled **Manuela Beltran v. The City of El Paso, Cause No. EP-02-CA-0206-PRM, Our File No. 02-S-16**, be **DENIED** as recommended by the City Attorney.

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Motion made by Representative Power, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:25 p.m.
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APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk